

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# **SENATE BILL 1605**

AN ACT

AMENDING SECTION 41-1713, ARIZONA REVISED STATUTES; RELATING TO INDUSTRIAL INJURY LEAVE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 41-1713, Arizona Revised Statutes, is amended to  
3 read:

4       41-1713. Powers and duties of director: authentication of  
5       records

6       A. The director of the department shall:

7           1. Be the administrative head of the department.

8           2. Subject to the merit system rules, appoint, suspend, demote,  
9 promote or dismiss all other classified employees of the department upon the  
10 recommendation of their respective division superintendent. The director  
11 shall determine and furnish the law enforcement merit system council  
12 established by section 41-1830.11 with a table of organization. The  
13 superintendent of each division shall serve at the concurrent pleasure of the  
14 director and the governor.

15           3. Make rules necessary for the operation of the department.

16           4. Annually submit a report of the work of the department to the  
17 governor and the legislature, or more often if requested by the governor or  
18 the legislature.

19           5. Appoint a deputy director with the approval of the governor.

20           6. Adopt an official seal that contains the words "department of  
21 public safety" encircling the seal of this state as part of its design.

22           7. Investigate, on receipt, credible evidence that a licensee or  
23 registrant has been arrested for, charged with or convicted of an offense  
24 that would preclude the person from holding a license or registration  
25 certificate issued pursuant to title 32, chapter 26.

26           8. Cooperate with the Arizona-Mexico commission in the governor's  
27 office and with researchers at universities in this state to collect data and  
28 conduct projects in the United States and Mexico on issues that are within  
29 the scope of the department's duties and that relate to quality of life,  
30 trade and economic development in this state in a manner that will help the  
31 Arizona-Mexico commission to assess and enhance the economic competitiveness  
32 of this state and of the Arizona-Mexico region.

33           9. Adopt and administer the breath, blood or other bodily substances  
34 test rules pursuant to title 28, chapter 4.

35           10. Develop procedures to exchange information with the department of  
36 transportation for any purpose related to sections 28-1324, 28-1325, 28-1326,  
37 28-1462 and 28-3318.

38           11. Collaborate with the state forester in presentations to legislative  
39 committees on issues associated with wildfire prevention, suppression and  
40 emergency management as provided by section 37-622, subsection B.

41       B. The director may:

42           1. Issue commissions to officers of the department.

43           2. Request the cooperation of the utilities, communication media and  
44 public and private agencies and any sheriff or other peace officer in any  
45 county or municipality, within the limits of their respective jurisdictions

1 when necessary, to aid and assist in the performance of any duty imposed by  
2 this chapter.

3       3. Cooperate with any public or private agency or person to receive or  
4 give necessary assistance and may contract for such assistance subject to  
5 legislative appropriation controls.

6       4. Utilize the advice of the board and cooperate with sheriffs, local  
7 police and peace officers within the state for the prevention and discovery  
8 of crimes, the apprehension of criminals and the promotion of public safety.

9       5. Acquire in the name of the state, either in fee or lesser estate or  
10 interest, all real or any personal property that the director considers  
11 necessary for the department's use, by purchase, donation, dedication,  
12 exchange or other lawful means. All acquisitions of personal property  
13 pursuant to this paragraph shall be made as prescribed in chapter 23 of this  
14 title unless otherwise provided by law.

15       6. Dispose of any property, real or personal, or any right, title or  
16 interest in the property, when the director determines that the property is  
17 no longer needed or necessary for the department's use. Disposition of  
18 personal property shall be as prescribed in chapter 23 of this title. The  
19 real property shall be sold by public auction or competitive bidding after  
20 notice published in a daily newspaper of general circulation, not less than  
21 three times, two weeks before the sale and subject to the approval of the  
22 director of the department of administration. When real property is sold, it  
23 shall not be sold for less than the appraised value as established by a  
24 competent real estate appraiser. Any monies derived from the disposal of  
25 real or personal property shall be deposited, pursuant to sections 35-146 and  
26 35-147, in the Arizona highway patrol fund as authorized by section 41-1752,  
27 subsection B, paragraph 6.

28       7. Sell, lend or lease personal property directly to any state, county  
29 or local law enforcement agency. Personal property may be sold or leased at  
30 a predetermined price without competitive bidding. Any state, county or  
31 local law enforcement agency receiving personal property may not resell or  
32 lease the property to any person or organization except for educational  
33 purposes.

34       8. Dispose of surplus property by transferring the property to the  
35 department of administration for disposition to another state budget unit or  
36 political subdivision if the state budget unit or political subdivision is  
37 not a law enforcement agency.

38       9. Lease or rent personal property directly to any state law  
39 enforcement officer for the purpose of traffic safety, traffic control or  
40 other law enforcement related activity.

41       10. Sell for one dollar, without public bidding, the department issued  
42 handgun or shotgun to a department officer on duty related retirement  
43 pursuant to title 38, chapter 5, article 4. Any monies derived from the sale  
44 of the handgun or shotgun to the retiring department officer shall be

1 deposited, pursuant to sections 35-146 and 35-147, in the Arizona highway  
2 patrol fund as authorized by section 41-1752, subsection B, paragraph 6.

3       11. Conduct state criminal history records checks for the purpose of  
4 updating and verifying the status of current licensees or registrants who  
5 have a license or certificate issued pursuant to title 32, chapter 26. The  
6 director shall investigate, on receipt, credible evidence that a licensee or  
7 registrant has been arrested for, charged with or convicted of an offense  
8 that would preclude the person from holding a registration certificate issued  
9 pursuant to title 32, chapter 26.

10      12. Grant a maximum of two thousand eighty hours of industrial injury  
11 leave to any sworn department employee who is injured in the course of the  
12 employee's duty, ~~or~~ any civilian department employee who is injured in the  
13 course of performing or assisting in law enforcement or hazardous duties **OR**  
**ANY CIVILIAN DEPARTMENT EMPLOYEE WHO WAS INJURED AS A SWORN DEPARTMENT**  
**EMPLOYEE REHIRED AFTER AUGUST 9, 2001 AND WOULD HAVE BEEN ELIGIBLE PURSUANT**  
**TO THIS PARAGRAPH** and whose work-related injury prevents the employee from  
17 performing the normal duties of that employee's classification. This  
18 industrial injury leave is in addition to any vacation or sick leave earned  
19 or granted to the employee and does not affect the employee's eligibility for  
20 any other benefits, including workers' compensation. ~~On retirement or~~  
~~separation from the department,~~ The employee ~~forfeits any unused industrial~~  
~~injury leave and~~ is not eligible for payment pursuant to section 38-615 **OF**  
**INDUSTRIAL INJURY LEAVE THAT IS GRANTED PURSUANT TO THIS PARAGRAPH.** Subject  
24 to approval by the law enforcement merit system council, the director shall  
25 adopt rules and procedures regarding industrial injury leave hours granted  
26 pursuant to this paragraph.

27      C. The director and any employees of the department that the director  
28 designates in writing may use the seal adopted pursuant to subsection A,  
29 paragraph 6 of this section to fully authenticate any department records and  
30 copies of these records. These authenticated records or authenticated copies  
31 of records shall be judicially noticed and shall be received in evidence by  
32 the courts of this state without any further proof of their authenticity.